

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
THURSDAY, APRIL 24, 2014**

PRESENT: Frank A. de la Fe, Hunter Mill District
Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Janyce N. Hedetniemi, Commissioner At-Large
Ellen J. Hurley, Braddock District
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
Peter F. Murphy, Springfield District
John C. Ulfelder, Dranesville District

ABSENT: James T. Migliaccio, Lee District
Timothy J. Sargeant, Commissioner At-Large

The meeting was called to order at 8:19 p.m. by Chairman Peter F. Murphy in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

//

Commissioner Hart announced that the Planning Commission's Environment Committee would meet at 7:00 p.m. in the Fairfax County Government Center on the following dates:

- Thursday, May 8, 2014, in Conference Rooms 9/10 (Workshop on White Paper on EV Charging Station Infrastructure)
- Wednesday, June 18, 2014, in the Board Conference Room (Continued discussion on building energy technology recommendations)
- Thursday, July 10, 2014, in the Board Conference Room (No topic/agenda at this time)

In Addition, Commissioner Hart noted that three public meetings were scheduled and would cover the following topics: 1) The proposed Noise Ordinance and, 2) a new use, "Group Assembly in Conjunction with a Dwelling." All Meetings would run from 7:00 to 9:00 pm.

- Wednesday, May 7, 2014, at the South County Government Center (8350 Richmond Highway, Alexandria)
- Monday, May 12, 2014, in the Board Auditorium of the Fairfax County Government Center
- Monday, May 19, 2014, at the Lemon Road Elementary School Cafeteria (7230 Idylwood Road, Falls Church)

//

On behalf of Commissioner Migliaccio, Commissioner de la Fe announced that the Commission's Parks Committee would meet on Thursday, May 1, 2014, at 7:00 pm, in the Board Conference Room.

//

FS-P13-100 – SITE LINK WIRELESS/VERIZON WIRELESS, 11250 Waples Mill Road

Commissioner Lawrence: Mr. Chairman. I MOVE THAT THE PLANNING COMMISSION CONCUR WITH THE STAFF DETERMINATION THAT THE COLLOCATION OF TWELVE PANEL ANTENNAS ON THE ROOF OF AN EXISTING BUILDING, ALONG WITH A SUPPORTING GENERATOR AND OTHER EQUIPMENT, BY THE – LINE WIRELESS [*sic*], DOING BUSINESS AS VERIZON WIRELESS, AT 11250 WAPLES MILL ROAD, IN FAIRFAX, VIRGINIA, IS SUBSTANTIALLY IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A "FEATURE SHOWN," PURSUANT TO *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED.

Commissioner Flanagan: Second.

Chairman Murphy: Seconded by Flanagan. Is there a discussion of the motion? All those in favor of the motion to concur with the "feature shown" determination in FS-P13-100, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners Migliaccio and Sargeant were absent from the meeting.

//

ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. SEA 97-M-075-02 – MUBARAK CORPORATION
2. SE 2013-MA-010 – DEYI AWADALLAH

This agenda was accepted without objection.

//

SEA 97-M-075-02 – MUBARAK CORPORATION – Appl.
under Sects. 4-804, 7-607, and 9-601 of the Zoning Ordinance
to amend SEA 97-M-075 previously approved for service station
and mini-mart to permit a change of use to service station,

quick-service food store, parking reduction, waiver of open space requirements, and associated modifications to site design and development conditions. Located at 6318 Leesburg Pk., Falls Church, on approx. 24,520 sq. ft. of land zoned C-8, CRD, HC, and SC. Tax Map 51-3 ((1)) 33 and 34. MASON DISTRICT. PUBLIC HEARING.

Sara Mariska, Esquire, Applicant's Agent, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated April 10, 2014.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had a pending case with Ms. Mariska's law firm in which there were attorneys representing an adverse party, but indicated that it would not affect his ability to participate in this case.

Commissioner Hall noted that the application had received the support of the Mason District Land Use Committee. In addition, she pointed out that the current iteration of the application was missing the following paragraph and said that it needed to be put back in:

"Specifically at such time as funding is available for the construction of a transportation project located along the frontage of the site and upon request of Fairfax County, right-of-way to the extent not exceeding that depicted on the special exception plat shall be dedicated in fee simple to the Board of Supervisors in accordance with the funded transportation plan."

Michael Lynskey, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application SEA 97-M-075-02.

Commissioner Ulfelder questioned the status of the Transportation Analysis.. Mr. Lynskey said they were ongoing and that multiple options were being considered, adding that there was no specific timeline at this time.

Ms. Mariska explained that the application was a simple proposal to change the use from a mini-mart to a quick-service food store. She noted that no other modifications were proposed and noted that the application had the support of staff, the Mason District Land Use Committee, and the Baileys Crossroads Revitalization Corporation.

Commissioner Hart asked if there would be limitations on the sale of alcohol, other than those set in the development conditions. Ms. Mariska stated that hours would be governed by the Virginia Department of Alcoholic Beverage Control (ABC). With regard to the future right-of-way dedication, Commissioner Hart asked if there would be an increase in the number of parking spaces eliminated. Ms. Mariska explained that the number would depend on the ultimate alignment of the road; however she noted that the applicant would meet the parking requirements.

Commissioner Lawrence referenced Development Condition Number 6D, regarding the replacement of a pin oak tree with either a two-inch caliper willow oak or black gum tree and asked how the replacement tree would be maintained during the first few years and who would replace it if it were to die within that period. Ms. Mariska said that the application required the maintenance of onsite vegetation.

Commissioner Lawrence acknowledged that Development Condition Number 15 required the maintenance of landscaping and loss of trees in the right-of-way; however, he did not see anything regarding the specific maintenance of the replacement for the identified pin oak. William O'Donnell, ZED, DPZ, stated that language could be added in the development conditions to ensure that the tree would be maintained as well as replaced if needed. Ms. Mariska agreed.

Commissioner Lawrence referenced the second sentence in the second paragraph under Transportation Analysis on page 5 of the staff report and asked if that should be considered notification to the applicant that a right-of-way dedication might be required in the future. Ms. Mariska said that would be addressed in the paragraph requested by Commissioner Hall regarding funding for the construction of a transportation project, which would require the dedication by the applicant.

Commissioner Flanagan asked about Figure 6 on page 7, to which Ms. Mariska responded by explaining that this application would simply memorialize the current conditions on the site, adding that nothing would change.

Commissioner Hall pointed out that there was currently no service facility at the site and thus visitors to the site stayed only for short periods. She explained that the applicant wished to provide alcoholic beverages in order to be competitive with other nearby service stations.

Commissioner Hurley asked what restrictions would be in place for walk-in customers purchasing alcohol and drinking it onsite. Ms. Mariska reiterated that Virginia ABC restrictions would be applicable and consistent with those of nearby establishments. Commissioner Hall pointed out walking to the site would be very unsafe and added that the safest way to access the subject site would be by driving.

Chairman Murphy called the one listed speaker and recited the rules for testimony.

Al Houseiny, representing H&J Enterprise Inc., 6607 Goldburrow Road, Falls Church, expressed concern about the applicant's oil trucks blocking the front of a restaurant on his property to fill the station tanks. He added that the trucks also used the restaurant's customer lot in the back of the restaurant to empty their tanks, adding that the applicant's customers also used the lot, often with someone sitting in the vehicle while someone would go into the store to make a purchase.

There was a brief discussion between Commissioner Hall and Mr. Houseiny wherein Mr. Houseiny explained that he would not mind if it did not happen very often; however, his lot was used quite often by the applicant's trucks and customers. Commissioner Hall apologized and stated that she was unaware of this problem, adding that she would defer the decision to address it. Mr. O'Donnell stated that staff might be able to draft a development condition to ensure that

delivery trucks did not queue up on the adjacent property. He added that he would provide the phone number for the Zoning Evaluation Branch.

Commissioner Hall noted that she would also address signage during the deferral; however, Ms. Mariska requested that the Board of Supervisors' public hearing not be deferred. Commissioner Hall asked Ms. Mariska if she had spoken with the applicant prior to tonight's meeting. Ms. Mariska said she had spoken with the current tenant, but noted that she had not heard about any of the issues Mr. Houseiny had spoken about during his testimony.

Commissioner Flanagan asked why there was no fence between the two parcels. Mr. O'Donnell pointed out that the easement was shared and therefore could not be blocked. Ms. Mariska added that there were interparcel access connections on both sides of the property. Commissioner Flanagan asked since the service drive would be eliminated with the future right-of-way requirement, why not remove it now. Mr. O'Donnell explained that the full parameters of the transportation plan were unknown.

Deborah Smith, 3127 Juniper Lane, Falls Church, asked how many parking spaces would be reserved for disabled people, if required.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Mariska, who stated that be one parking space would be reserved for disabled parking, in accordance with Fairfax County and *Virginia Code* requirements.

Commissioner Hall asked if the applicant had obtained a letter of support from the owner of the restaurant on Mr. Houseiny's property. Ms. Mariska said there was no letter and added that she would get more details on the owner's position.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hall for action on this case.

//

Chairman Murphy: The public hearing is closed. Ms. Hall.

Commissioner Hall: Mr. Chairman, thank you. Just when you thought you had an easy case, obviously we don't. So, I MOVE THAT THE PLANNING COMMISSION DEFER DECISION ONLY FOR THIS SEA 97-M-075-02 TO A DATE CERTAIN OF MAY 1ST, 2014, WITH THE RECORD TO REMAIN OPEN FOR ANY WRITTEN COMMENT.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to defer decision only on SEA 97-M-075-02 to a date certain of May 1st, with the record to remain open for comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Thank you very much. Second –

Commissioner de la Fe: Request that the Board change –

Chairman Murphy: Oh yes, and also we want to move that the – yes, thank you.

Commissioner Hall: Recommend the Board – however we do that.

Chairman Murphy: All right, entertain a motion that we MOVE THAT THE BOARD OF SUPERVISORS DEFER ITS PUBLIC HEARING FOLLOWING a – A DATE FOLLOWING THE DETERMINATION BY THE PLANNING COMMISSION.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion? All those in favor of the motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners Migliaccio and Sargeant were absent from the meeting.

//

SE 2013-MA-010 – DEYI AWADALLAH – Appl. under Sect. 3-304 of the Zoning Ordinance to permit a child care center with a total enrollment of up to 99 children. Located at 3212 Glen Carlyn Rd., Falls Church, on approx. 2.25 ac. of land zoned R-3. Tax Map 51-4 ((8)) A; 61-2 ((5)) 3 and 4. MASON DISTRICT. PUBLIC HEARING.

Qiong Wang, Applicant's Representative, reaffirmed the affidavit dated June 27, 2013.

There were no disclosures by the Commissioners.

Brent Krazner, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application SE 2013-MA-010.

Commissioner Hall told Mr. Krasner that the example he used to demonstrate a client driving across a turn lane was inappropriate because the picture was out of date. Mr. Krasner explained that the picture was intended only to serve as an example of what would occur on the subject site. Commissioner Hall asked if the applicant had provided specific commitments in either the plans or the staff report language regarding what the finished product might look like. Mr.

Krasner stated that the development conditions included renderings and said that county staff required that the construction materials and design be compatible with the surrounding area. He added that specific materials were listed on the graphics as well as in the development conditions. When Commissioner Hall asked if that would be sufficient, Mr. Krasner confirmed that it would.

Commissioner Hall pointed out that the Mason District Land Use Committee had reviewed the application and voted not to support it and, as such, it would not return to Mason District for review. She added, however, that the applicant wished to get together with the community to continue dialogue. Commissioner Hall announced that she would defer the decision only on this application at the end of the public hearing.

Commissioner Hart referenced Development Condition Number 11, regarding escrow funds for the construction of a sidewalk along Glen Carlyn Road, and noted his concern about the depreciation of the funds over time. Mr. Krasner said that staff would consider adding an escalator clause to the condition to ensure the funds kept pace with inflation.

Commissioner Hart noted the challenges of Glen Carlyn Road near the subject site and expressed concern about stacking up in the left turn lane and blocking access to and from the daycare center as well as Saint Katherine's Greek Orthodox Church (Saint Katherine's). Mr. Krasner explained that county staff had similar concerns; however, representatives from the Virginia Department of Transportation (VDOT) stated that any blockage would only impact the applicant's site and not the flow of traffic on Glen Carlyn Road itself.

Commissioner Lawrence pointed out that the majority of people dropping off/picking up children would likely be on a tight schedule and said that while VDOT might not think that a blocked access would affect the flow of traffic on Glen Carlyn Road, it would take only one hurried driver attempting to either get into or out of the subject site to make a critical mistake that would affect the flow of traffic on Glen Carlyn Road. He then referenced Development Condition Number 5 regarding the maximum daily enrollment and said that the applicant should consider hiring an off-duty policemen to handle overflow traffic during high-attendance events and/or staggering pickup and drop-off times.

Commissioner Hedetniemi asked whether the applicant had factored in the traffic expectations of its daycare with the nearby Saint Katherine's daycare center, and expressed concern about the traffic impacts of two centers so close in proximity to one another.

Commissioner Flanagan asked about the height of the building and description of each floor, to which Mr. Krasner deferred to the applicant for a detailed explanation regarding the exact specifications.

Commissioner Ulfelder asked Mr. Krasner about the modifications and waivers regarding the screening and barriers. Mr. Krasner detailed the applicant's plans for a stone wall along the front and side of the building, along with trees and plantings along the borders of the property. In addition, he told Commissioner Ulfelder that the applicant's latest revisions provided more space between the subject site and the adjacent properties.

Commissioner Hurley noted that children in the play area could be very loud and asked how the applicant would address it. Mr. Krasner said that the block wall would help to mitigate the noise, adding that it was also addressed in the development conditions, wherein the hours for children to be in the play area would be between 9:00 a.m. and 5:00 p.m.

Matthew Abel, Civil Engineer, Applicant's Representative, iDesign Engineering Inc., addressed Commissioner Flanagan's question by explaining that the building would be one and a half stories with the square footage of the second floor being half that of the first. He described the wall and said that it would taper down to allow for better sight distance to travelers. He stated that there would be room in the parking lot for 16 spaces for parents both parking and queuing up in the entrance lane. He added that there would also be room for four more cars to be within the property not queuing up in the left turn lane. He pointed out that without the left turn lane, anyone wanting to exit the facility would have to turn right, turn left into a nearby a high-density private residential community, and then turn right again onto Glen Carlyn Road. He stated that while the turn lane could accommodate five vehicles, there was no expectation of that occurring at any one time, adding that a maximum of one car in or out would be expected every three minutes during peak hours. Addressing concerns regarding the curve along Glen Carlyn Road in front the subject site, he said that sight distance was determined to be over 400 feet in both directions. Mr. Abel said that the applicant could not rent the site for public events; however, parents' day or similar large events would require parking to occur solely onsite. He added that the applicant was amenable to adding language regarding hiring someone to direct traffic during such events. In addition, he said that large events needing extra parking would require the applicant to engage a shuttle bus to transport attendees from an alternate site.

Addressing concerns about drainage, Mr. Abel noted that county staff had reviewed the applicant's calculations and concurred with them. He stated that there were two offsite drainage zones that drained south of the subject site, which currently dealt with standing water. He added that the applicant intended to remedy that as well as ensure that there was no standing water anywhere onsite by conveying all of the water along an existing swale either east of Glen Carlyn Road, or west and along the wall behind the playground, where it would be intercepted by a bioretention facility within the parking lot, which would treat the water for quantity and quality, and then discharged through pipes into Long Branch Creek. He also addressed concerns regarding large storm events and said that the design was sufficient to handle the water flow of a 100-year storm event. Additionally, he said that the applicant's plantings would include trees that would be four feet back from both the proposed wall and the property line, adding that they would be wet-soil species that would not only screen the site, but also last a long time.

Commissioner Hurley asked if the attendant children would be in this daycare until they turned five or through their fifth year. Mr. Abel said it was from infant through five years of age. When Commissioner Hurley noted that food for infants would require some preparation and expressed concern about no onsite food preparation, Mr. Abel clarified that there would not be a full kitchen, adding that the language would be clarified to state that a refrigerator would be available onsite. Commissioner Hurley expressed concern about short drop-off and pickup times. Mr. Abel explained that parents would have approximately 15 minutes and reiterated that the parking lot could accommodate the vehicles. Commissioner Hurley noted that having to drop off an infant later than an older child would be impractical for many parents and suggested that the applicant reconsider their schedule. Mr. Abel agreed and said that the language would be modified to

better accommodate the daycare's customers. Commissioner Hurley also suggested the applicant review the parking lot and traffic impacts during the end of the day, noting that many parents might to show up at the same time during the last 15 minutes before the center closed. When she asked about a pedestrian path to the center's door through the parking lot, Mr. Abel stated there was no room for one, but pointed out that the applicant intended to have dedicated staff assist parents from their cars to the door. Commissioner Hurley stated that safety was paramount and added that the applicant should also consider adding a canopy over the door.

Commissioner Lawrence asked if the applicant would: 1) write language for the special events Mr. Abel described during his presentation; and 2) develop language designating a person as transportation coordinator, who would then provide to parents a briefing on what the site conditions were, a description of a "critical gap," and how long it might take to leave the site during inclement weather when traffic might be particularly difficult in front of the site's entrance, and to ensure that they understand before they get there. Mr. Abel said yes to both suggestions.

Commissioner Lawrence also asked if the applicant would develop language regarding staggered arrival and departure times and suggested that it be done from the outset rather than having it triggered by a specific number of clients. Mr. Abel said that although he was sure the applicant would agree, he needed to discuss it with him first.

Commissioner Hall noted that it might be unrealistic to suggest staggered drop-off and pickup times, pointing out that the daycare center served as a convenience for working parents. She added that she understood that the daycare only planned to use the building on weekends for open house opportunities to show potential clients the facility.

Commissioner Hedetniemi pointed out that Saint Katherine's held its Easter services on Saturday, along with a bazaar, which typically drew people from all of its weekend services. She suggested that the applicant add a provision to coordinate with the church on events to ensure there were no traffic impacts resulting from two coinciding events. Mr. Abel explained that the current language was written so that the center would hold events two Saturdays a month, ending no later than 5:00 p.m. He added, however, that the language could be scaled back since there was no need for weekend events. He further added that the applicant would be happy to coordinate with Saint Katherine's regarding events.

Chairman Murphy asked staff if there was a revised affidavit, to which Mr. Krasner said no. Chairman Murphy informed Mr. Abel that his name was not on the existing affidavit and advised him to ensure that it was on a revised affidavit prior to presenting the case to the Board of Supervisors.

Chairman Murphy called the first listed speaker and recited the rules for testimony.

Leslie Morgado, 6002 Hardwick Place, Falls Church, opposed the application, citing traffic safety concerns. She stated that drivers currently made U-turns in Hardwick Place, often endangering the residents. She added that the traffic totals in the staff report were understated and said that adding more traffic would be excessive. In addition, she said that the proposed parking would be insufficient, particularly given the amount of time parents would need to spend

during drop-off and pickup. She further noted that the building was too large and was an indicator that the developer planned to expand in the future.

Commissioner Hurley asked Ms. Morgado to indicate where her development was in relationship to the proposed site. Ms. Morgado indicated the location on a county tax map provided by staff.

Michael A. Altieri, Jr., 6058 Hardwick Place, Falls Church, noted that a similar application seeking to convert the residence into a church had previously been filed, adding that it would hold Saturday only services. He pointed out that residents had raised similar concerns during this application process, including traffic congestion, parking problems, flooding, and stream pollution. He added that Glen Carlyn Road had been named used as a major cut-through between Arlington Boulevard and Leesburg Pike and pointed out that one commissioner had noted that the neighborhood already had three churches and two schools on Glen Carlyn Road within a one mile area and maximized its capacity. He stated that the same conditions still existed; however, there was more traffic now. He added that the applicant should coordinate events not only with Saint Katherine's, but also with Saint Anthony of Padua (Saint Anthony's) and Columbia Baptist, both nearby on Glen Carlyn Road. He requested that the Planning Commission adopt the Mason District Land Use Committee's motion to recommend denial of the application. (A copy of Mr. Altieri's statement is in the date file.)

Commissioner Hall pointed out that Glen Carlyn Road was not a cut-through, but a connector road that was designed to connect Routes 50 and 7.

Commissioner Flanagan asked if the churches provided daycare service. Mr. Altieri said that Saint Katherine's did. When Commissioner Flanagan asked if traffic had been problematic because of that daycare center, Mr. Altieri said that at times it might; however, the church added a turn lane which worked well.

Diana Organista, 3219 Glen Carlyn Road, Falls Church, spoke in opposition to the application, noting that as a mother of two very young children in daycare, the applicant's three-minute suggested drop-off was unreasonable. She added that the parking was insufficient, considering the number of spaces allotted to staff and loading. In addition, she pointed out that with the existing daycare at Saint Katherine's and the extended-care facility provided by the Catholic Church during similar hours, the proposed facility would exacerbate the existing traffic problems in the area. She further stated that this application proposed to place a commercial entity in a residential community. She said that nearby residents should not have to sacrifice safety for a business proposition and requested denial of the application.

Jacqueline Gilbert, 6110 Brook Drive, Falls Church, representing Lee Boulevard Heights Citizens Association, spoke in opposition to the application, pointing out that Glen Carlyn Road was a commuter route that was used heavily by people on their way to work throughout the Metropolitan area and said the use would exacerbate the existing traffic problems. Additionally, she noted that having someone direct traffic during peak hours would severely impact traffic because of the large amount of traffic in the area. She added that the onsite parking would not be sufficient and further pointed out that allowing a commercial enterprise on the east side of Glen Carlyn Road would set a dangerous precedent by intruding into a residential area. (A copy of the maps provided by Ms. Gilbert is in the date file.)

Commissioner Hart noted that while Ms. Gilbert wasn't on the affidavit, he wished to disclose that the law firm of Hart and Horan, PC had a pending case in which there were attorneys representing an adverse party to Ms. Gilbert, but indicated that it would not affect his ability to participate in this case.

Kathryn Paczak, 6008 Jan Mar Drive, Falls Church, noted her opposition to the application and said that the Mason District Land Use Committee had recommended denial of the application because of traffic concerns, water management issues, and the size of proposed building being too large for what the site could handle. She added that while the applicant proposed a remedial architectural wall to handle the water problems, she questioned whether there might be subsequent impacts on the adjacent properties. With regard to the existing traffic, she pointed out that there might be many times throughout the day where there would be backups resulting from parents accessing the property, which would lead to backups on Glen Carlyn Road from people trying to turn right as well as left into the property.

Michael Paczak, 6008 Jan Mar Drive, Falls Church, asked the Planning Commission to deny the application, saying that it could be neither fixed nor developed in a way that it would work on the site. He added that the drainage, site conditions, daycare needs, and traffic conditions were issues that simply could not be solved by the applicant. He also noted that adding the turn lane would require narrowing the existing lanes, further worsening the existing traffic problems. Additionally, he pointed out that the cut-through used by some drivers on Lebanon Drive would become even worse because of the proposed use. (A copy of the photographs provided by Mr. Paczak is in the date file.)

George Boosalis, 6007 Lebanon Drive, Falls Church, Vice President, Long Branch Civic Association, expressed opposition to the application, also citing severe traffic impacts and existing vehicle stacking issues. He added that drivers often ignored the U-turn signs and would continue to do so with the proposed use, particularly given its lack of parking. In addition, he pointed out that vehicles driving along the curve often hugged and sometimes crossed the center line, creating a hazard for oncoming drivers in the opposite lane. He pointed that the property had drainage issues, noting that the trees stood approximately 60 feet tall. He stated that they often fell over and would be hazardous to children in the playground. In addition, he said that the trees would not survive given the amount of water onsite and added that the trees' roots would impede the water, as would the branches, thereby exacerbating the existing drainage issues onsite. He further added that the proposed drainage channel would be inadequate to handle the water runoff. He noted that there were three existing daycare centers within a one-mile radius, all of which had space. He pointed out that there were access issues with regard to ambulance/fire department vehicles to the playground. In addition, he noted that the playground sat 30 feet away from the nearest residence, the owners of which worked at home, and said that the noise from so many children at one time in the playground would have a negative impact. (A copy of Mr. Boosalis' statement is in the date file.)

Commissioner Hall asked Mr. Boosalis if he had a fence on his property. He stated that he did and that his fence would be on one side of the fenced-in trees, as proposed in the application. When Commissioner Hall asked staff if the Urban Forester had been consulted about the trees being planted within that area in such damp conditions, Mr. Krasner explained that he was told

that certain wet-tolerant trees could grow in such conditions, adding that the roots would grow downward and away from the drainage system, thereby avoiding issues with blockage.

Commissioner Hall asked Mr. Boosalis if he would like to ask supporters to be recognized. When he did, approximately 15 people stood up.

Betty Mruk Paoletti, 6015 Lebanon Drive, Falls Church, noted her opposition to the application, adding that the property had drainage issues and that the neighborhood experienced flooding during heavy rain events. She said that she had an in-home business and the noise that would emanate from the playground would be intolerable. She pointed out that the subject lot became buildable in 2012; however, the owner had done nothing with it and the abutting neighbors have had to continue to deal with excess runoff from the site. She said the proposal would not help, but worsen the existing problems. She also noted that two other neighbors abutting the site also worked from home and would be negatively affected by the use.

Musaddeque Hossein, speaking o/b/o Deyi Awadallah, 10908 Adare Drive, Fairfax, explained that the building would be one and a half stories tall, noting that the first floor would be approximately 12 feet high and accommodate the classrooms, while the second floor would be between 10 and 14 feet high and would accommodate office and staff rooms. He stated that this configuration was chosen at the county's recommendation in order to avoid a large building that would tower over the neighbors' homes. He stated that arrival and departure times would be staggered between 6:00 a.m. and 9:00 a.m. and would not affect or change the traffic flow. He added that while the community might have reservations with regard to the left-turn lane, the determination by VDOT engineers regarding its soundness should not be overturned. He stated that the daycare center would operate during specific hours for only five days a week, adding that the proposed noise abatement measures would more than suffice to quell any noise from the site. He requested that the Planning Commission look at the merits of the proposal to evaluate the engineering guidelines that govern its decision, and base its recommendation on those decisions, adding that while personal opinions should be taken into account they should not be part of the Commission's final decision.

Commissioner Flanagan asked Mr. Hossein whether he had read the requirements in the Zoning Ordinance for approving a Special Exception. Mr. Hossein said yes, adding that he had worked closely with county staff at the early stages of this project. Commissioner Flanagan explained that one requirement was for the use to be in harmony with the neighborhood in which it was proposed and ensured Mr. Hossein that the Commission would not judge the application on personal opinion.

James Stoucker, 9413 Crosspointe Drive, Falls Church, representing Saint Katherines Greek Orthodox Church, noted that inaccurate statements had been made with regard to Saint Katherine's to substantiate the basis for the establishment of his project, notably that:

- There was no affordable daycare service in the area, which was inaccurate given that not only did Saint Katherine's provide affordable daycare, but so did several others. and
- Saint Katherine's provided daycare services only to its parishioners/community, which was also inaccurate. The center was open to the public.

Mr. Stoucker added that he observed parents on a daily basis and said that the short period for drop-off and pickup suggested by the applicant was unreasonable because parents needed to interact with the center's staff on a variety of issues, usually taking up to 15 minutes. He added that he appreciated the citizens' traffic concerns and said that Saint Katherine's coordinated with the other local churches in the area in order to prevent traffic overload on Glen Carlyn Road. In addition, he noted that he also curtailed funerals on Fridays for the same reason. He expressed concern about the rear exit of the church because it was directly adjacent to the proposed site and requested that the Commission take appropriate steps to address it.

Commissioner Hedetniemi asked Mr. Stoucker to clarify his concern regarding the rear exit of Saint Katherine's. Mr. Stoucker explained that the rear entrance to the church's parking lot sat directly adjacent to the proposed entrance to the new facility and said that while it was not used extensively, it must be taken into consideration.

Commissioner Ulfelder asked Mr. Stoucker whether there had been any accidents entering or exiting Saint Katherine's on Glen Carlyn Road. Mr. Stoucker said no.

Tulia Beltran, 3228 Magnolia Avenue, Falls Church, expressed opposition to the application, citing traffic safety concerns. She added that she was also worried that her neighborhood would become a cut-through for drivers attempting to avoid traffic at the proposed site.

Stephen Fox, 10511 Judicial Drive, Fairfax, noted that he represented the owners of the homes on Lebanon Drive, and said that the proposed building would be too large and too close to the abutting residences. He said that because of the RPA and floodplain on the site, the building would be built on the north side of the lot, disproportionately exposing the Lebanon Drive residents to the use, while the residents to the south would have a large buffer. He stated that the use was not in harmony with the community as this would be the first incursion of an institutional use to the east side of Glen Carlyn Road, adding that it would be similar to spot zoning on that side, since there was nothing else akin to it. (A copy of the list of signatures provided by Mr. Fox is in the date file.)

Commissioner Lawrence asked Mr. Fox if he thought there was any intensity at which this would be an appropriate use. Mr. Fox said no, since this use would set a bad precedence and encourage other developers to build in the area.

Commissioner Flanagan noted that the nearby Halloran subdivision might be developed. During the ensuing discussion, Mr. Fox disagreed, noting that the development led to a stream. Commissioner Hall added that it could not be developed further than it already had been.

Troy Chevalier, 3540 Forest Drive, Alexandria, spoke in favor of the daycare center and said that all of the previously discussed issues could be resolved.

Commissioner Hall asked whether Mr. Chevalier was familiar with the other local daycare centers. Mr. Chevalier said no because he was unaware of them.

William Dever, 3216 Glen Carlyn Road, Falls Church, spoke in opposition to the application. He pointed out that the Comprehensive Plan recommended that the proposed site continue as a

suburban neighborhood, adding that the existing area was residential and should therefore remain unchanged. In addition, he referenced Number 3 on page 8 of the staff report regarding traffic, noise, and other impacts on the surrounding community, and said that the facility would add hundreds of cars per day trying to enter and exit a busy roadway. He further pointed out that the Mason District Land Use Committee had recommended denial of the application and requested that the Planning Commission do the same.

Matthew Spina, 10109 Homar Pond Drive, Fairfax Station, spoke in favor of the application and said that after having toured several daycare centers, the proposed center proposed a building that would be large enough to provide the children room to learn as well as an indoor and outdoor play area. He added that onsite food preparation should not be a concern since most parents would likely prepare food for their children.

Commissioner Flanagan asked Mr. Spina if he had visited Saint Katherine's daycare facility. Mr. Spina said he had not, but noted that he had visited others nearby.

John Requa, 2711 Bellforest Court, Vienna, stated that he was representing Janis Reed of 5906 Munson Court, Falls Church. He said that many drivers were currently unable to make left turns from the side streets onto Glen Carlyn Road and therefore turned right and made a U-turn to get back to Route 7, ignoring the "No U-Turn" sign. He said that the left-hand turn lane might cause more problems than it would resolve because it would block the exit from the use itself, as well as hinder drivers' line of sight. He also expressed concern about the proposed parking lot, noting the lack of a walkway as well as the proximity of the last few spaces to Glen Carlyn Road, noting that such conditions could be perilous, particularly for a parent trying to hold onto more than one child.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Mr. Abel, who said that he had not previously heard about vehicles crossing the center line on Glen Carlyn Road. He stated that if the application were approved and the new roadway cross section striped as suggested, the lane would be narrowed down, thus acting as a traffic calming measure. He stated that his presentation had covered all of the other issues and that, although some of the numbers might have been questioned, his firm had over 45 years of experience in designing such projects and he was confident in standing by this proposal.

Commissioner Hurley asked what would be on the second floor of the building. Mr. Abel explained that the second floor was planned for all of the administrative functions, along with extra storage should the need arise.

Commissioner de la Fe asked how many homes could be built on the site by-right. Mr. Krasner said a maximum of four homes, given the constraints of the RPA and floodplain.

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Hall for action on this case.

//

Chairman Murphy: The public hearing is closed; Ms. Hall.

Commissioner Hall: Thank you, Mr. Chairman. I'm going to read something because this evening a number of speakers kind of questioned, 'why are we here? Why are we having this public hearing? Why are these citizens interfering with my ability to do what I want to do and staff says it's ok?' If you look on the back of the staff report, we have definitions. It says, "uses, which by their nature, can have an undue impact upon or can be incompatible with other land uses and therefore need a site specific review. After review, such uses may be allowed to locate within given designated zoning districts if appropriate and only under special controls, limitations, and regulations. A special exception is subject to public hearings by the Planning Commission and Board of Supervisors with approval by the Board of Supervisors." That's what we're doing here. Staff has done their analysis. They are professional. But this isn't a by-right application. It will impact the people who have lived there and have relied upon the fact that if this is ever developed there is going to be three to six homes very similar – or not even similar – to the ones that they currently live. Now, here in Fairfax we've decided that daycare centers, schools, churches, houses of worship, and other things do belong in residential areas, and our job is to see, does this fit; does this work? And I've heard this repeatedly throughout this application, well I'm working with staff and I'm complying. We'll you've got to work with the community. Now I am going to recommend – I'm going to make a – I'm going to try and speak any time now. I'm going to recommend to my fellow Commissioners that we defer decision on this application until June 11th. That will give the applicant more than sufficient time to approach the neighbors and see if some resolution can be worked out, understanding that everybody has to work hand in hand, at which point I will make my recommendation to the Board of Supervisors. I appreciate the fact that you all came out. I know that you all – everyone in this room has worked very hard and diligently to review this and to measure the impacts. This is a very difficult location. We understand that; we got it. The message was delivered. We understand the stormwater impacts. With that being said, Mr. Chairman I recommend that we defer decision to a date certain of June 11, 2014,

Chairman Murphy: – with the record remaining –

Commissioner Hall: – with the record to remain open for additional responses.

Commissioner Hart: Second.

Chairman Murphy: Seconded by Mr. Hart. Is there a discussion of the motion? All those in favor of the motion to defer decision on SE 2013-MA-010 to a date certain of June 11th, with the record to remain open for written comment, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

The motion carried by a vote of 10-0. Commissioners Migliaccio and Sargeant were absent from the meeting.

//

CLOSING

April 24, 2014

The meeting was adjourned at 11:41 p.m.
Peter F. Murphy, Chairman
Janet R. Hall, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jeanette Nord

Approved on: October 22, 2014



John W. Cooper, Clerk to the
Fairfax County Planning Commission